

PC23569A
Response to Restriction Requirement



TFW
Certificate of Mailing (37 C.F.R. §1.80):
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Amendment, Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450
on this 21st day of December 2005.

s/ Rachel Potash
Rachel Potash

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
CONNIE LI SUN, et al.

Serial No.: 10/781,928

Filed: February 20, 2004

For: THE USE OF 8-AMINO-ARYL-
SUBSTITUTED IMIDAZOPYRAZINES AS
KINASE INHIBITORS

Group Art Unit: 1624

Examiner: Zachary C. Tucker

Mail Stop: Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents:

1. Response to Restriction Requirement
2. Transmittal Letter
3. Total Fee Due \$0.00

3 pages;
1 page; and
Deposit Account.

Respectfully submitted,


Vincent P. Liptak
Agent For Applicants
Registration No. 53,225

Agouron Pharmaceuticals, Inc./A Pfizer Company
Patent Department
10777 Science Center Drive
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Certificate of Mailing (37 C.F.R. §1.8):
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s/ Rachel Potash
Rachel Potash

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Connie Li Sun, et al.

Serial No.: 10/781,928

Confirmation No.: 9693

Filed: February 20, 2004

For: THE USE OF 8-AMINO-ARYL-SUBSTITUTED IMIDAZOPYRAZINES AS KINASE INHIBITORS

Group Art Unit: 1624

Examiner: Zachary C. Tucker

Mail Stop: AMENDMENT
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In a restriction requirement dated November 25, 2005, the Examiner required restriction under 35 U.S.C. § 121 between:

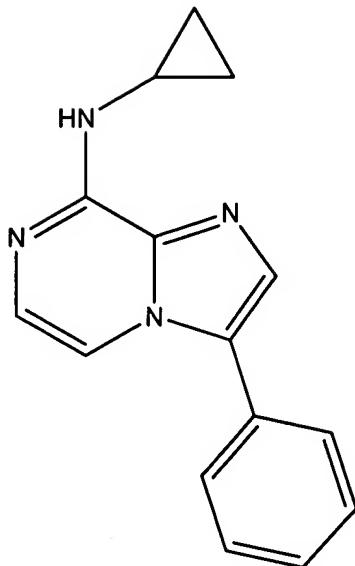
Group I: Claims 1-7, drawn to imidazopyrazine compounds, classified in class/subclass 544/350.

Group II: Claims 8-16, drawn to methods of treating diverse diseases and conditions, and a pharmaceutical composition employed for that purpose, classified in class/subclass 514/249.

Applicants elect without traverse the claims of Group I, drawn to imidazopyrazine compounds, classified in class/subclass 544/350.

In addition, the Examiner has required election of species under 35 U.S.C. § 121.

Applicants elect with traverse the species



The elected species can be found in Example 31, page 77 of the specification.

Applicants traverse the election of species on the grounds that all of the compounds of group II fall within structurally similar subclasses, and that searching the subclasses should not place a serious burden on the Examiner.

Abstract

The Examiner has objected to the abstract alleging that the abstract does not provide a concise description of the claimed subject matter and disclosed subject matter. The Applicants respectfully disagree.

37 CFR 1.72(b) states that the purpose of the abstract is to enable the USPTO and the public generally to determine quickly, from a cursory inspection, the nature and gist of the technical disclosure. MPEP § 608.01(b) further states that the abstract for applications involving chemical compounds, the abstract should include the identity and use of the compounds. The Applicants respectfully submit that the present abstract meets this standard. The abstract clearly identifies the compounds (i.e. 8-amino-aryl-substituted imidazopyrazines) and their use (i.e. modulate the activity of protein kinases). Neither 37 CFR 1.72(b) nor MPEP § 608.01(b) require a "generic structure", as required by the Examiner, be included in the abstract to meet the standard. Accordingly, the abstract as originally presented should be accepted by the Examiner.

Finally, Applicants hereby petition for any required extension of time that may be required. Please charge all required fees to Deposit Account No. 500329.

Respectfully submitted,

Date: 12/21/2005


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